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22 Corporation, MARTA Cooperative of America, Inc.,
23 ABC Appliance, Inc., Schultze Agency Services LLC
24 on behalf of Tweeter Opc, LLC and Tweeter
25 Newco, LLC*

26 [additional counsel listed on signature page]

27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA
29 SAN FRANCISCO DIVISION

30 IN RE: CATHODE RAY TUBE (CRT)
31 ANTITRUST LITIGATION

32 Master File No. 3:07-cv-05944-SC
33 MDL No. 1917

34 This document relates to:

35 *Electrograph Systems, Inc., et al. v. Hitachi,
36 Ltd., et al.*, No. 11-cv-01656;

37 *Siegel v. Hitachi, Ltd., et al.* No. 11-cv-
38 05502;

39 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et
40 al.*, No. 11-cv-05513;

41 *Target Corp, et al. v. Chunghwa Picture
42 Tubes, Ltd., et al.*, No. 11-cv-05514;

43 **DIRECT ACTION PLAINTIFFS' THIRD
44 SET OF REQUESTS FOR PRODUCTION
45 TO DEFENDANTS THOMSON SA AND
46 THOMSON CONSUMER ELECTRONICS,
47 INC.**

1 *Interbond Corporation of America v.*
 2 *Hitachi, et al.*, No. 11-cv-06275;
 3 *Office Depot, Inc. v. Hitachi Ltd., et al.*,
 4 No. 11-cv-06276;
 5 *CompuCom Systems, Inc. v. Hitachi, Ltd.,*
 6 *et al.*, No. 11-cv-06396;
 7 *Costco Wholesale Corporation v. Hitachi,*
 8 *Ltd., et al.*, No. 11-cv-06397;
 9 *P.C. Richard & Son Long Island*
 10 *Corporation, et al. v. Hitachi, Ltd., et al.*,
 11 No. 12-cv-02648;
 12 *Schultze Agency Services, LLC v. Hitachi,*
 13 *Ltd., et al.*, No. 12-cv-02649;
 14 *Tech Data Corporation, et al. v. Hitachi,*
 15 *Ltd., et al.*, No. 13-cv-00157;
 16 *Sharp Electronics Corp., et al. v. Hitachi,*
 17 *Ltd., et al.*, No. 13-cv-01173;
 18 *Dell Inc. and Dell Products L.P. v. Hitachi*
 19 *Ltd., et al.*, No. 13-cv-02171;
 20 *Sharp Electronics Corp. et al. v. Koninklijke*
 21 *Philips Electronics, N.V., et al.*, No. 13-cv-
 22 02776;
 23 *Siegel v. Technicolor SA, et al.*, No. 13-cv-
 24 05261;
 25 *Sears, Roebuck & Co., et al. v. Technicolor*
 26 *SA, et al.*, No. 13-cv-05262;
 27 *Best Buy Co., Inc., et al. v Technicolor SA,*
 28 *et al.*, No.13-cv-05264;
 29 *Schultze Agency Services, LLC v.*
 30 *Technicolor SA, et al.*, No. 13-cv-05668;
 31 *Target Corp., v. Technicolor SA, et al.*,
 32 No.13-cv-05686;
 33 *Costco Wholesale Corporation v.*
 34 *Technicolor SA, et al.*, No. 13-cv-05723;
 35 *Electrograph Systems, Inc., et al. v.*
 36 *Technicolor SA, et al.*, No. 13-cv-05724;

1 **PROPOUNDING PARTIES:**

2 Direct Action Plaintiffs Electrograph Systems, Inc. and
3 Electrograph Technologies Corp.; Alfred H. Siegel, solely
4 as Trustee of the Circuit City Stores, Inc. Liquidating
5 Trust; Best Buy Co., Inc., Best Buy Purchasing LLC, Best
6 Buy Enterprise Services, Inc., Best Buy Stores, L.P.,
7 Bestbuy.com, L.L.C., and Magnolia Hi-Fi, Inc.; Target
8 Corp., Sears, Roebuck, and Co., Kmart Corp.; Interbond
9 Corporation of America; Office Depot, Inc.; CompuCom
10 Systems, Inc.; Costco Wholesale Corporation; P.C.
11 Richard & Son Long Island Corporation, MARTA
12 Cooperative of America, Inc., and ABC Appliance, Inc.;
13 Schultze Agency Services, LLC on behalf of Tweeter
14 Opc, LLC and Tweeter Newco, LLC; and Tech Data
15 Corporation and Tech Data Product Management, Inc.;
16 Dell Inc. and Dell Products L.P.; and Sharp Electronics
17 Corporation and Sharp Electronics Manufacturing
18 Company of America, Inc.

19 **RESPONDING PARTIES:**

20 Thomson SA and Thomson Consumer Electronics, Inc.

21 **SET:**

22 Three

1 Pursuant to Federal Rules of Civil Procedure 26 and 34, Direct Action Plaintiffs
 2 Electrograph Systems, Inc. and Electrograph Technologies Corp.; Alfred H. Siegel, as Trustee
 3 of the Circuit City Stores, Inc. Liquidating Trust; Best Buy Co., Inc., Best Buy Purchasing LLC,
 4 Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C., and Magnolia
 5 Hi-Fi, Inc.; Target Corp., Sears, Roebuck, and Co., Kmart Corp.; Interbond Corporation of
 6 America; Office Depot, Inc.; CompuCom Systems, Inc.; Costco Wholesale Corporation; P.C.
 7 Richard & Son Long Island Corporation, MARTA Cooperative of America, Inc., and ABC
 8 Appliance, Inc.; Schultze Agency Services, LLC on behalf of Tweeter Opco, LLC and Tweeter
 9 Newco, LLC; Tech Data Corporation and Tech Data Product Management, Inc.; Dell Inc. and
 10 Dell Products L.P.; and Sharp Electronics Corporation and Sharp Electronics Manufacturing
 11 Company of America, Inc. (collectively, "Plaintiffs"), through their counsel, request that
 12 Thomson SA and Thomson Consumer Electronics, Inc. respond to the following document
 13 requests within thirty days of service and produce responsive documents, and afterwards
 14 supplement such production as may become necessary to comply with the requirements of Rule
 15 26(e) of the Federal Rules of Civil Procedure.

16 **DEFINITIONS**

17 The words and phrases used in these requests shall have the meanings ascribed to them
 18 under the Federal Rules of Civil Procedure and the Local Rules of the United States District
 19 Court for the Northern District of California. In addition, the following terms shall have the
 20 meanings set forth below whenever used in any request.

- 21 1. The words "all," "any," and "each" mean "each and every."
- 22 2. The words "and" and "or" are both conjunctive and disjunctive as necessary.
- 23 3. The term "CRT" means cathode ray tube and includes cathode ray tubes used in
 24 color televisions and color computer monitors.
- 25 4. The term "CRT Product" means a computer monitor or television containing a
 26 CRT.
- 27 5. "Document" means, without limitation, the following items, whether printed,
 28 recorded, or reproduced by any other mechanical means or process, or written or produced by
 Direct Action Plaintiffs' Second Set of Requests 2 Case No. 07-5944-SC; MDL No. 1917
 for Production to Thomson Defendants

1 hand: agreements; contracts; orders; purchase orders; communications; correspondence; letters;
 2 emails; telegrams; tape recordings; memoranda; summaries; notes or other recordings of
 3 telephone conversations, personal conversations, or meetings; agenda of meetings; notices;
 4 minutes; records; calendars; daily diaries; daytimers; statistics; interoffice memoranda; personal
 5 memoranda; photographs; photographic slides; motion picture films; audio tapes; charts;
 6 graphs; diagrams; drawings; bookkeeping entries; bills; invoices; orders; receipts; canceled
 7 checks; vouchers; ledger sheets; computer printouts; statements of witnesses; findings of
 8 investigations; files; records of negotiations; reports of experts; reports of consultants; papers;
 9 books; bulletins; publications; telefaxes; facsimiles; worksheets; securities; order tickets;
 10 records; objects; video tapes; maps; posters; pamphlets; flyers; and any and every other writing
 11 or other graphic means by which human intelligence is in any way transmitted or reported. This
 12 includes all drafts, alterations, modifications, changes, and amendments of any of the foregoing
 13 of which you have knowledge or which are now or were formerly in your actual or constructive
 14 possession, custody, or control. A draft or non-identical copy is a separate document within the
 15 meaning of this term.

16 6. “Including” or “includes” means without limitation.

17 7. The term “Relevant Period” means the period beginning March 1, 1995 through
 18 November 25, 2007.

19 8. The term “Thomson Defendants” refers collectively to Thomson SA, Thomson
 20 Consumer Electronics, Inc., and their predecessors, parents, subsidiaries, or affiliates and
 21 segments, departments, or divisions thereof.

22 9. The terms “You” and “Your” mean the Thomson Defendants and/or each of the
 23 Thomson Defendants, as defined herein.

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INSTRUCTIONS

1. The documents covered by these requests include all documents in Your possession, custody, or control.

2. Each document request shall be construed independently, and no document request shall be viewed as limiting the scope of any other document request.

3. Each document request seeks information limited to the Relevant Period, unless stated otherwise.

4. You shall produce all documents in the manner in which they are maintained in the usual course of Your business and/or You shall organize and label the documents to correspond to the categories of the requests. A request for a document shall be deemed to include a request for any and all file folders within which the document was contained, transmittal sheets, cover letters, exhibits, attachments, or enclosures to the document in addition to the document itself.

5. The fact that a document is produced by another party does not relieve You of the obligation to produce Your copy of the same document, even if the two documents are identical.

6. If You withhold under any claim of privilege any document or thing or portion thereof requested, then furnish a list specifying each document or thing or part thereof for which the privilege is claimed and the following information about each such item: date, author, recipients and their titles; basis on which the privilege is claimed; the paragraph or subparagraph of the request to which the document or thing responds; and a sufficient description of the subject matter of the document or thing (without disclosing its contents) to allow its description to the Court for a ruling on the claim of privilege.

7. If any information requested is withheld based on a claim that such information constitutes attorney work-product, please provide all the information described in the previous instruction and identify the litigation in connection with which the information and the information it contains was obtained and/or prepared.

1 8. For each document request with respect to which You assert a claim of privilege,
2 state whether the documents or information requested have ever been provided to the
3 Government or any party, entity, or individual other than the Thomson Defendants or their
4 attorneys.

5 9. If any responsive document was but is no longer in Your possession or subject to
6 your control, state whether it is: (a) missing or lost; (b) destroyed; (c) otherwise disposed of; or
7 (d) transferred voluntarily or involuntarily to others, and identify the name and address of its
8 current or last known custodian, and the circumstances surrounding such disposition.

9 10. The obligation to respond to these document requests is continuing pursuant to
10 Rule 26(e) of the Federal Rules of Civil Procedure. If at any time after responding to these
11 document requests You discover additional responsive documents that will make Your
12 responses to these document requests more complete or correct, amend Your responses and
13 produce such responsive documents as soon as reasonably possible, pursuant to the
14 requirements of Rule 26(e).

15 11. If an objection is made to a request, or a part of a request, the specific ground for
16 the objection shall be set forth clearly in the response to that request. If You consider only a part
17 of a request to be objectionable, You must specify such part, and must otherwise respond to the
18 remainder of the request.

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REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Documents sufficient to show to whom You sold all CRTs contained in CRT Products ultimately sold by You to Plaintiffs during the Relevant Time Period, including, but not limited to, invoices, inventory data and contracts for sales of such CRTs.

REQUEST NO. 2:

Documents sufficient to show the address to which all invoices or bills of sale were sent for all CRTs contained in CRT Products ultimately sold by You to Plaintiffs during the Relevant Time Period.

REQUEST NO. 3:

All Documents constituting contracts, purchase orders, or other agreements between You and any OEM, original design manufacturer, contract manufacturer, system integrator, retailer, wholesaler or other entity for the sale or manufacture of CRT Products that You ultimately sold to Plaintiffs.

REQUEST NO. 4:

For each sale by You of any CRT contained in CRT Products ultimately sold by You to Plaintiffs during the Relevant Time Period, all Documents constituting contracts, purchase orders, agreements or memoranda of understanding or any other Document that contains any term or condition of sale for such CRTs.

REQUEST NO. 5:

Documents sufficient to show the chain of title for all CRTs contained in CRT Products ultimately sold by You to Plaintiffs during the Relevant Time Period, from the time such CRTs were initially manufactured until the CRT Products containing such CRTs reached Plaintiffs.

1
2 DATED: July 10, 2014

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